

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARTIN ALAN HETHERINGTON,

Plaintiff,

vs.

COMMISSIONER,  
Social Security Administration,

Defendant.

Case No. 6:18-cv-01076-SI

ORDER GRANTING PLAINTIFF'S  
UNOPPOSED MOTION FOR  
ATTORNEY FEES PURSUANT TO 42  
U.S.C. § 406(b)

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Plaintiff Martin Alan Hetherington brought this action seeking review of the Commissioner's final decision denying his application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for an award of benefits, and entered Judgment on March 27, 2020.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). The parties have conferred and, after giving substantive consideration to the merits of Plaintiff's request for 406(b) fees, the Commissioner found no basis to object. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by

*Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Unopposed Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED as follows: Katherine L. Eitenmiller is allowed an attorney's fee under the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$23,917.37, which represents approximately 25% of the total retroactive disability insurance benefits and auxiliary benefits due to Plaintiff for the period from July 2014 through August 2017, less the EAJA fee previously received by Plaintiff's attorneys. Any fees withheld by the Commissioner in anticipation of an order under Section 406(b), less an administrative assessment pursuant to 42 U.S.C. 406(d), may be paid to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401, consistent with this order. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 19th day of October 2020.

/s/ Michael H. Simon  
MICHAEL H. SIMON  
United States District Judge

Proposed Order submitted by:  
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